

MAR 05 2009

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and
Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation-District 5
Attn: Patrick Muench
719 South Woodland Blvd.
DeLand, Florida 34720
2. Location, Project Description, Existing Conditions: The applicant proposes to impact wetlands located within the right-of-way of Interstate 4 from south of Orange Blossom Trail to north of Maitland Blvd. The project is located in Sections 26 & 35, Township 21 South, Range 29 East, Sections 2, 11, 12, 13, 24, 25, 35, & 36, Township 22 South, Range 29 East, Sections 2, 3, 9, 10, & 11, Township 23 South, Range 29 East, Orange County, Florida. Latitude 28.5631 North/Longitude 81.3778 West

Project Description: The applicant proposes 2.35 acres of direct and 0.17 acres of temporary impacts acres of waters of United States (wetlands and surface waters) to widen Interstate 4 to meet the ultimate design identified in the Interstate 4 Final Environmental Impact Statement. Impacts will also occur to 5.1 acres of non jurisdictional wetlands and 10.57 acres of non-jurisdictional surface waters created from uplands during the construction of the interstates. The non jurisdictional surface waters do not connect wetlands to downstream waters. The Ultimate Interstate 4 improvements involving total reconstruction of 9.9 miles of Interstate 4 from South of Orange Blossom Trail to North of Maitland Blvd. The ultimate design of Interstate 4 consists of multiple safety and capacity improvement by widening the existing roadway to six (6) general use lanes (GUL) and four (4) special use lanes (SUL) with additional auxiliary lanes where applicable. This project will also reconstruct and reconfigure multiple interchanges including the realignment of on and off ramps and associated local road improvements. The project will involve the construction and expansion of multiple surface water management facilities to provide stormwater attenuation and water quality treatment for the proposed improvements. The applicant has requested a 10-year permit for the proposed work.

Existing Conditions: Lake Concord: Impacts are proposed to the littoral zone of the eastern fringe of Lake Concord, a 66-acre

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natural lake. The littoral zone is narrow and drops quickly with a high wave action that limits the amount of aquatic vegetation. Emergent vegetation includes duck potato, spatterdock, pickerelweed, eelgrass, and cattail.

Lake Ivanhoe: Impacts are proposed to the wetland fringe and littoral zone of Lake Ivanhoe where Interstate 4 bisects the lake. The wetland fringe is vegetated with cypress, primrose willow, cabbage palm, Brazilian pepper and elderberry.

Lake Fair: Lake Fair is a 2.3-acre lake that currently being used as a stormwater treatment area. Impacts are proposed along the eastern edge of the system. Vegetation along the wetland edge includes cypress, primrose willow, and arrowhead pickerelweed.

Lake Lucerne: Impacts are proposed to the littoral zones of the western and eastern lobes of the 19-acre lake. The lake has been bisected by the construction of State Road 408. The landward edge of the lake consists of pond cypress, laurel oak, and cabbage palm. Vegetation distributions is patchy, with littoral fringe consists of alligator weed, dollarweed, Carolina willow. It has been determined that this lake is not jurisdictional.

Lake Angel: Impacts are proposed to the fringes of Lake Angel which is a 4.08 acre man-made borrow pit excavated during the original Interstate 4 construction. It has been determined that this lake is not jurisdictional.

Lake Lucien: Impacts are proposed to the fringe of Lake Lucien. The overstory consists of mature cypress trees and an understory of willows and wax myrtle as well as primrose willow.

The Corps will not regulate impacts to the existing stormwater management systems created from uplands as identified in the Administrative Action Finding of No Significant Impact completed for I-4 Six Laning and St. Johns River Bridge Project.

3. Project Purpose:

Basic: Ultimate design improvements to Interstate 4.

Overall: Ultimate design improvements to Interstate 4 from south of Orange Blossom Trail to north of Maitland Blvd.

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4. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

5. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Permit/Certification: St. Johns River Water Management District (SJRWMD) permit number 4-095-62355-8 was issued on 10 February 2009.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

6. Date of Public Notice and Summary of Comments

a. The application was received on 12 May 2008. The application was considered complete on 24 December 2008. A public notice was issued on 24 December 2008, and sent to all interested parties including appropriate State and Federal agencies. Due the length of the project and the large number of adjacent property owners the applicant published the notice in the local news paper on 21 and 25 January 2009. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Responded via letter dated 14 January 2009, stating the proposed action is not likely to adversely affect resources protected by the Endangered Species Act of 1973.

(3) National Marine Fisheries Service (NMFS): By letter dated 16 January 2009, the NMFS stated the proposed work would not impact areas that support fishery resources under their purview and have no comments or recommendations.

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(4) State Historic Preservation Officer (SHPO): No response received.

(5) No comments were received from State or Local agencies, organizations, individuals or any other interested party.

b. Applicant's response to the comments: No comments were forwarded since no adverse comments were received.

7. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): In recent years, Central Florida has experienced a tremendous surge in growth, particularly in close proximity to I-4. Severe traffic congestion and the rising numbers of accidents result in regular delays to the transportation system. These issues, coupled with a growing population, constitute the most serious transportation problems affecting the region today.

The proposed widening is consistent with the ultimate improvements provided in the Administrative Action Finding of No Significant Impact completed for I-4 Six Laning and St. Johns River Bridge Project. Copies of the Finding of No Significant Impact can be obtained from the Florida Department of Transportation District-5 office in DeLand, Florida. The no build alternative would not allow for project completion and would continue to contribute to significant traffic safety and traffic movement problems, which exist with the current I-4 corridor.

b. Minimization (modified project designs, etc.): The proposed project has been minimized to the maximum extent practicable, which would still allow for project completion. Using steep-ended side slopes in wetland areas further minimized the project. Also, minor alignment shifts were considered in order to reduce wetland impacts.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant will mitigate for the loss of wetland function through the use of the Senate Bill, 1986. The project occurs in two defined SJRWMD basins. The western portion of the project occurs in Basin 18 and includes the portion of I-4 W. of OBT to So. of Ivanhoe Blvd. The mitigation for this section was previously approved by SJRWMD to include the purchase of credits

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from East Central Florida Mitigation Bank (South), Colbert
Cameron Mitigation Bank, Farmton Mitigation Bank (South or West)
and/or TM-Econ Mitigation Bank. The lowest price per credit will
determine which bank is used. Credits would be purchased at a
2:1 credit to impact ratio to off-set state of Florida impacts.
The applicant will not be required to purchase more credits than
is required to replace 1:1 function units.

The remaining portion of the project is located in SJRWMD Basin
23. Mitigation within this basin will include the preservation,
habitat enhancement and/or stormwater retrofit in Lake Jesup
basin. The project area located in this basin includes I-4 south
of Ivanhoe to north of Maitland Blvd.

The applicant has determined the following impacts will occur to
jurisdictional waters of the United States:

0.11 acre of direct impacts and 0.17 acres of temporary impacts
to Lake Lucien
1.45 acres of direct impact to Lake Ivanhoe
0.34 acres of direct impact to Lake Fair
0.02 acres of direct impact to wetland 6
0.32 acres of shading impact to Lake Concord

The Corps has estimated the lakes and wetland systems have the
following functional value

Lake Lucien=0.56, Lake Ivanhoe=0.6, Lake Fair=0.46, W-6=0.59,
Lake Concord (shading)=0.04

Total functional loss is estimated at 1.18 functional units. The
mitigation provided by the applicant will ensure no net loss of
wetland functions will occur as a result of this project.

8. Evaluation of the 404(b)(1) Guidelines: The proposed project
has been reviewed in accordance with the 404 (b)(1) Guidelines.
The review shows that all the alternatives have been reviewed and
it has been adequately demonstrated that the proposed alternative
is the least environmentally damaging and only practicable
alternative considering cost, existing technology and logistics.
It would not cause or contribute to violations of State Water
quality standards, jeopardize the existence of any endangered
species or impact a marine sanctuary. No significant degradation
would be expected and all appropriate and practicable steps have
been taken to minimize impacts.

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9. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: The proposed project involves the addition of travel lanes on a congested roadway. The additional lanes will provide users safer travel, reduced travel time, and a reduction in fuel usage and automotive emissions associated with stopped traffic.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use. The construction of a new roadway is not feasible based on cost and adverse environmental impacts associated with a new roadway.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. The FWS concurred with this determination via letter dated 14 January 2009.

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g. Essential Fisheries Habitat (EFH): As substantiated in NMFS' 16 January 2009 letter, the proposed project would have no effect on EFH as it is not located within areas containing EFH.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: The proposed project is associated with an existing interstate which is undersized for current and future roadway capacity. Mitigation provided by the applicant would provide long-term functional replacement; therefore, no cumulative impact to wetland functions should result from the project. Additionally, the applicant will provide mitigation within the same drainage basin further reducing possible cumulative impacts. The applicant will upgrade the stormwater management system to meet current design standards which will result in a benefit to the aquatic ecosystem. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. No adverse comments were received.

10. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.


b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

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c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

d. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *de minimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

PREPARED BY:



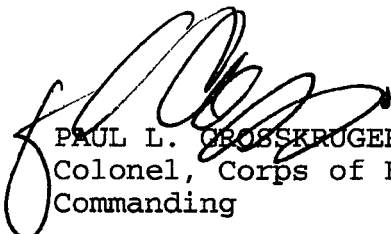
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